

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (General)

ORDER

HD(G)-CFEP/SA/20/74

In exercise of the powers conferred by clause (a) and (b) of Section 5 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, the Administrator of Goa, Daman and Diu hereby makes the following order, namely:—

1. **Short title and commencement.**— (1) This order may be called the Goa, Daman and Diu Condition of Detention Order, 1974.

(2) It shall come into force at once.

2. **Definitions.**— In this order unless the context otherwise requires:—

(1) "Act" means the conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974;

(2) "Detaining Authority" means the Government or any officer specified in sub-section (1) of Section 3;

(3) "Government" means the Government of Goa, Daman and Diu;

(4) "Health Officer" means the Government Health Officer of the area in which the security prisoner is detained;

(5) "Inspector General" means the Inspector General of Prisons, Goa, Daman and Diu;

(6) "Section" means a section of the Act;

(7) "Security Prisoner" means a person with respect to whom a detention order is made either by the Government or any other officer specified in sub-section (1) of Section 3;

(8) "Superintendent" means the person in charge of the jail or sub-jail in which the security prisoner is detained;

(9) "Superintendent of the Hospital" means the person in charge of the Government Hospital and includes the person in-charge of a Health Centre.

3. **Place of detention.**— A security prisoner shall be detained in a jail or a sub-jail.

4. **Transfer of Security prisoners.**— (1) Any Security Prisoner may be removed from a Jail, sub-jail, as the case may be, —

(a) to any hospital or health centre for medical examination or treatment or for admission as indoor patient if in the opinion of Inspector General or the Government it is necessary to do so for the reason of health of such prisoner;

(b) to a Criminal court, if such court requires the attendance of such prisoner for answering a charge of a Criminal Offence in any proceeding against him;

(c) to any civil or criminal court for giving evidence in any case pending before it.

(2) No Security prisoner shall be removed under item (c) of Sub-clause (1) unless previous permission of the Government has been obtained which shall be refused if the Government think it necessary to do so in the interest of public order.

5. **Accommodations.**— (1) Where a Security prisoner is detained in a Jail or a Sub-jail, he shall be kept in a Cell or association ward.

(2) Security prisoners shall be allowed to communicate with each other provided that the Inspector General or the Superintendent may, if he considers it desirable to do so confine Security prisoners separately. Security prisoners shall, as far as possible, be kept separate from other kind of prisoners.

6. **Diet and clothing.**— Security prisoners shall be given diet and clothing on the same scales as are prescribed for convicts according to jail rules and regulations framed under Prisons Act, 1894 (Act IX of 1894) and applicable to prisons in the Union territory of Goa, Daman and Diu.

7. **Tasks.**— Security prisoners may be assigned task by the Superintendent with due regard to their state of health, age, physical and Medical capacity,

character, education and antecedents and may receive remuneration for their work at such rates, if allowed according to jail regulation.

8. Searches. — Security prisoners and the rooms, wards or cells in which they are accommodated shall be searched not less than once a week, but may be searched oftener or at any time if the Inspector General or Superintendent considers it necessary. A security prisoner shall also be searched immediately after admission and thereafter before and after every interview with any person other than a police officer. Special precautions shall be taken to make the searches thorough and the fact that the search has been made shall be noted in the report book of the officer making the search. The search shall be made by a Jailor, Jail Guard or such other officer as may be authorised in this behalf by the Inspector General or the Superintendent.

9. Interviews. —

(i) Except on the written order of the Inspector General or Superintendent no security prisoner shall be permitted to have an interview with any person other than a police officer.

(ii) The application for interview from persons other than police officers shall be made to the Inspector General in form 'A' appended hereto.

(iii) The time, place and duration of each interview shall be informed to the applicant and copy thereto sent to Superintendent.

(iv) If the interview is refused the fact shall be reported by the officer refusing the interview to the Government.

(v) Interviews with the Legal Advisers shall be strictly limited to one occasion of duration of not more than two hours for each specific purpose like the drafting of the security prisoner's representation.

(vi) The interviews with members of the security prisoner's family shall ordinarily be prohibited. Provided that in extreme situation like serious illness of the security prisoner, interviews may be permitted on humanitarian grounds. Every interview granted under this sub-clause shall be intimated to the Central Government.

(vii) Interviews with friends and others shall not be allowed.

(viii) All interviews granted under this clause shall be in the presence of and within the hearing of an officer of the Central Excise or the Customs or Directorate of Revenue intelligence Department, who may terminate the interview at any time, if in his opinion the conversation is detrimental to the public interest or safety.

(ix) Future interviews may be prohibited if interviews are published, and warning to that effect shall be given at the close of the interview by the officer present at the time of interview.

10. Police Interview, Photograph and Finger Prints. —

(i) The detaining authority may by general or special order authorise Superintendent to have interviews with Security prisoner.

(ii) The Superintendent or any police officer so authorised may take photograph and finger prints and take specimens of signature and handwriting of a security prisoner.

11. Books and Newspapers. — Security prisoner may be allowed to read book and periodicals if available at the place of detention.

12. Correspondence and Censorship. —

(i) Security prisoners shall ordinarily be permitted to write one letter and receive one letter per month.

(ii) All letters to and from security prisoners shall be censored by the Inspector General or the Superintendent. If in the opinion of the Inspector General or the Superintendent, the despatch or delivery of a letter is likely to be detrimental to the public interest or safety or the discipline of the place of detention, he shall either withhold such letter or despatch or deliver it after deleting any objectionable portion therefrom. In respect of the censoring of letters of security prisoner, the Inspector General or the Superintendent shall comply with any general or special instructions issued by Government.

(iii) Every letter forwarded to or from any security prisoner shall be initialled and dated by the officer who handled the letter.

(iv) In all cases in which a letter or a telegram is withheld, the security prisoner shall be informed of the fact of such withholding.

(v) When the telegram is to or from Government, it shall be forwarded direct, provided that if the telegram is to or from the Central Government, it shall be sent through the Government of Goa, Daman and Diu.

(vi) Security prisoners shall attach to all their outgoing letters and telegrams a slip containing the full name and address and relationship of the addressee and of such person mentioned in the letter or telegram.

(vii) The Inspector General or the Superintendent, as the case may be, shall have discretion to decide in the case of a petition submitted in telegraphic form whether it should be forwarded by telegraph or by post.

(viii) The security prisoner who is Member of Parliament or State Legislature shall be allowed direct correspondence with the Presiding Officer of the House without being censored. Provided he is a sitting member having been administered an oath as required by the constitution.

13. Petitions. — Any petition made to the Court or representation which a security prisoner may submit shall expeditiously be forwarded to the addressee direct. If the petition is addressed to the Judicial Commissioner it shall be sent to the Registrar, Judicial Commissioner's Court, Panaji, in sealed envelope. The copy of the petition shall be sent to Government whenever the officer concerned considers it necessary to do so.

14. Discipline and punishment for breaches of discipline. — Security prisoners shall, for the purposes of discipline and punishment for breaches of discipline be subject, as if they were convicted prisoners as per provisions of the Prisons Act, 1894 (Act IX of 1894) and the rules made thereunder.

15. Medical Attendance. — The security prisoner shall be medically examined every week by a Medical Officer of the Jail and monthly report on his

physical condition shall be submitted to the detaining authority and the Inspector General.

16. Safety. — (i) Unless prohibited on the ground of safety the security prisoner may be allowed to have shaving equipment of his own.

(ii) If the security prisoner has no such equipment he may be allowed to have services of a Jail barber as per Jail regulations.

(iii) The female security prisoners shall be allowed to retain glass bangles and if married the Mangal Sutra (black necklace).

17. Smoking and Tobacco. — A security prisoner may be permitted to smoke or chew tobacco or to do both at his own expense provided that either or both the privileges shall be liable to be withdrawn if abused.

18. Games. — (1) Wherever accommodation permits, security prisoners may be permitted by Superintendent to play in-door games like cards at their own expense and in-expensive games like ring tennis at Government expense.

(2) The security prisoners may be permitted to play chess, draughts and carrom at their own expense.

19. Conveyance arrangements. — (i) No special arrangement shall be made for a security prisoner during transport from one place of detention to another and the mode of transport shall be the same as ordinarily employed for transporting convicts.

(ii) Whenever a security prisoner is released he shall be paid the cost of journey to the place from where he is arrested.

20. Handcuffing. — (1) A security prisoner shall be handcuffed or bound while being escorted from one place to another if the Superintendent so directs in writing.

(2) Notwithstanding anything contained in clause (1) a security prisoner may be handcuffed or bound by the officer-in-charge of the escort if he has reason to believe that the security prisoner will use violence or attempt to escape or an attempt will be made to rescue him.

21. Maintenance of Registers. — All particulars relating to security prisoners shall be entered in a separate register (with serial numbers) and returns of statistics relating to them shall be submitted as far as may be on the lines of jail returns.

22. Power to withdraw concessions. — The Government may, by general or special order, withhold any of the concessions or facilities provided by or under any of the provisions of this order in respect of any security prisoner or class of security prisoners, and for such period or periods, as the Government may, from time to time, specify.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 19th December, 1974.

FORM 'A'

Form of application for interview

[Vide Clause 8(ii)]

Name of security prisoner to be interviewed.

Name of the applicant.

Relationship of the applicant to the security prisoner to be interviewed.

Full address of the applicant.

Purpose for which the interview is desired.

Date

Hour ... a. m./p. m.

Signature of the applicant